



## TOWN OF TYNGSBOROUGH

Office of the Selectmen

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### Selectmen's Meeting Minutes

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Monday September 11, 2006

6:00 P.M.

Town Offices

Members present: Selectman Jay Booth, Selectman Kevin O'Connor, Selectwoman Jacqueline Schnackertz, Selectman Rich Lemoine and Selectwoman Karyn Puleo. Also present: Town Administrator Rosemary Cashman and Admin Assistant Therese Gay.

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Chairman Karyn Puleo called the Selectmen's meeting to order; Chairman Burt Buchman called the School Committee's meeting to order.

Chairman Puleo asked for a moment of silence as a remembrance of September 11, 2001 the day the terrorist attacked the twin towers.

Selectwoman Schnackertz read this evening's agenda.

1. 6:05 P.M. School Department Vacancy – Appointment

The School Committee had received a letter of resignation from Mr. McGowan. At that time the School Committee advertised the vacancy and received two applicants. The Superintendent sent the resumes over to the Selectmen's Office. The School Committee has interviewed the two candidates at their September 5<sup>th</sup> meeting. Tonight the School Committee and the Board of Selectmen are meeting jointly to appoint a member to fill the vacancy. Both candidates Ms. Diane Kablik and Ms. Susan Tucke were present and expressed their interest in serving. Both candidates are well qualified. There were no questions of the candidates. The Chair entertained a motion from the Board and Committee.

A motion was made by Selectwoman Schnackertz to appoint Diane Kablik to fill the vacant position on the School Committee, second by Selectman Lemoine.

The roll call vote: Selectman Booth, yes; Selectman O'Connor, yes; Selectwoman Schnackertz, yes; Selectman Lemoine, yes; Selectwoman Puleo, yes; School Committee Members Burt Buchman, yes; William Downing, yes; Martina Witts, yes; Barry Dick, no (Susan Tucke); Jeff Hunt, yes; Diane Koehane, no (Susan Tucke).

The vote was 9 in favor of Diane Kablik, 2 in favor of Susan Tucke, Ms. Diane Kablik is appointed to fill the vacant position.

The School Committee voted a 5 minute recess and to reconvene their meeting at a separate location. The Selectmen continued with their agenda.

2. 7:00 P.M. Matty's Field House, LLC – 25 Parham Road - Weekday Entertainment Application and Sunday Entertainment Application.

The Board reconvened at 7PM to conduct the public hearing for a weekday and a Sunday entertainment applications for Matty's Field House.

A motion was made by Selectman O'Connor to open the hearing, second by Selectwoman Schnackertz. The Board voted unanimously to open the hearing.

Selectwoman Schnackertz read the legal notice that was published in the local newspaper on September 2<sup>nd</sup>.

A motion was made by Selectman O'Connor to waive the reading of the abutters' list, second by Selectman Booth. The Board voted unanimously to waive the reading.

Attorney John Paczkowski representing Mr. McNiff and Mr. Deveau owners of Matty's Field House introduced himself and his clients. Mr. Paczkowski's clients in their original application for entertainment had checked off all of the entertainment available to accommodate the sports bar's clients. After hearing the concerns of the abutters at the first hearing Mr. McNiff and Mr. Deveau met with the abutters at the Banjo Pub to see if they could work out some type of consensus on the type of entertainment would be acceptable. This evening Mr. McNiff and Mr. Deveau are submitting an amended application for entertainment with an addendum. The new application reflects the elimination of bands and orchestras; but still has dancing by patrons, vocalists (addendum: amateur vocalists only in conjunction with karaoke music and), and the disc jockey (ending at 1AM) and limited to 3 nights along with the television (will install 5 large screens) radio/stereo piped in music and other having addendum 3 and 4 checked. Addendum 3 and 4 states that the licensee to provide private security or police detail during hours of disc jockey entertainment to monitor activity both inside and outside the licensed premises, and Parham Road/Lakeview Avenue entrance to be limited to Emergency Use Only. All customers are to enter and exit through Woodlawn Street entrance. There would be minimal entertainment during football season. To address the neighbors' concerns his clients have chosen to hire security personnel and/or a Police Detail to help keep order and to keep things quiet. The neighbors are still concerned with loud music even if the applicants have removed live bands, and the closing hour is still 2 AM. The major concern is the loud music. Also, the increase in entertainment means increased patrons and more noise. The neighbors want to keep it just as is, quiet. The neighbors have become accustomed to the way the Pub is currently operated. The Board discussed the issues with the applicants, neighbors and asked questions of Special Counsel. After hearing all the testimony the Board voted to continue the hearing to Monday, September 25 to hear from the Police Chief, the Fire Chief and the Building Commissioner.

A motion made by Selectwoman Schnackertz to continue the hearing to Monday, September 25, 2006 at the Town Offices meeting room at a time to be determined, second by Selectman Lemoine. The Board voted unanimously to continue the hearing.

### 3. Citizen's Time

No one came forward this evening.

### 4. Other Business (If Necessary)

#### A. Fields Use Committee Membership – Appointment

The Board received and reviewed a letter of intent from Mr. Eric Estochen to serve on the newly formed Fields Use Committee.

A motion by Selectman O'Connor to appoint Eric Estochen and Alison McNamara as members to the Fields Use Committee, second by Selectwoman Schnackertz. The Board voted unanimously to appoint Eric Estochen and Alison McNamara to the Fields Use Committee.

The Board voted to appoint Selectman Lemoine as their representative to the new committee and the School Committee has appointed George Trearchis as their representative.

Selectman O'Connor spoke to the generous gift of \$10,000 received from Alison Kinny to be used to create ball fields at the Elementary School. Ms Kinny lost her husband five years ago in the terrorist attack of September 11 and made the generous donation in memory of her husband Brian. Selectman Lemoine spoke to the availability of the Community Preservation funds to help build two new fields.

#### 5. Correspondence

A motion was made by Selectwoman Schnackertz to accept the correspondence, second by Selectman O'Connor. The Board voted unanimously to accept the correspondence for discussion. Chairman Puleo mentioned the letter received from the School Committee asking the Board to reconsider the use of the Elementary School for Town Meeting the Board is not going to reconsider. Asked if the sign issue on Bryants Lane was resolved? Yes it was resolved. The Town Administrator sent a memo on free cash; the Department of Revenue certified the Town's free cash amount. and provided a "Free Cash Calculation". The School Department sent over articles to be considered the Board is moving forth using the money to do some house keeping and not to use all of the money on this FY operating budget and place some of the money in the stabilization account. Chair Puleo asked the Board if they wanted to do a proclamation for United Nation Day, at a future meeting. Information on the reverse 911 program will be sent to the Chiefs for their input.

#### 6. Selectmen's Notes

The Board spoke to the certified free cash and how important it was to plan positively for the future. A reminder that the State Primary Election is Tuesday, September 19<sup>th</sup> the polls open at 7AM and close at 8PM.

#### 7. Town Administrator's Notes

The Town Administrator spoke of free cash and explained how it could not be used in the Annual Town Meeting for this FY 07 because the State had not certified the money, only when funds are certified by the State can it be used.

The Economic Development Committee is moving forward with implementing the plan. The Committee is looking to streamlining the permitting process, working with the Water and Sewer Depts., printing marketing brochures, looking at zoning, and hiring of a Planner, and looking for grant money for a zoning overlay districts for a town center and Middlesex Road.

The Special Town Meeting is scheduled for Tuesday, October 10<sup>th</sup>. Warrant Articles are due tomorrow, September 12<sup>th</sup> and will have a Warrant for the Board to sign at the next meeting. The process for the Annual Town Meeting is rolling.

The Town Administrator asked the Board if they wanted to proceed to sell Wintergreen property or to keep it. Town Counsel did respond to the questions that have been asked. The Board has decided to keep the land under the jurisdiction of the Board, and there are no plans yet place the land under an other committee's jurisdiction.

The Board announced the resignation of the Media Director. The Board wishes him well in his new endeavor.

A motion was made by Selectman Booth to recess for 12 minutes, second by Selectwoman Schnackertz. The Board voted unanimously for a 12 minutes recess.

#### 8. Executive Session (If Necessary)

A motion by Selectman Booth to enter into Executive Session to discuss union negotiations and to exit the Executive Session to open session only to adjourn, second by Selectman O'Connor.

Roll Call Vote: Selectman Jay Booth, yes; Selectman Kevin O'Connor, yes; Selectwoman Jacqueline Schnackertz, yes; Selectman Rich Lemoine, yes; and Selectwoman Karyn Puleo, yes.

The Board entered into executive session at 9:10 P.M.

Selectman O'Connor has recused himself from the Executive Session because of a potential conflict of interest.

#### 9. Adjournment

A motion by Selectman Booth to exit Executive Session, second by Selectman Lemoine.

Roll Call Vote: Selectman Jay Booth, yes; Selectwoman Jacqueline Schnackertz, yes; Selectman Rich Lemoine, yes; and Selectwoman Karyn Puleo, yes.

The meeting adjourned at 9:45 P.M.

Respectfully submitted

Therese Gay  
Admin Assist.